

Request GRANTED. The Initial Pretrial Conference currently scheduled for June 30, 2023 at 2:00 p.m. is RESCHEDULED to August 28, 2023 at 2:00 p.m.



SO ORDERED.

LEWIS J. LIMAN  
United States District Judge

6/26/2023

June 23, 2023

**BY ECF**

Hon. Lewis J. Liman, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Mt. Hawley Ins. Co. v. Buckeye Real Estate Investments LLC  
(Civ. Case No. 1:23-cv-02342-LJL)

Our File: 512603

Dear Judge Liman:

We are counsel for plaintiff Mt. Hawley Insurance Company (“Mt. Hawley”). Pursuant to the Court’s June 1, 2023 Order (Doc. 9), an initial pretrial conference in this action is scheduled for June 30, 2023 at 2:00 p.m. We write to advise the Court that defendant Buckeye Real Estate Investments LLC (“Buckeye”) has yet to appear in this action. Nor have we been contacted in connection with this action by any representative of Buckeye. We served Buckeye with the Summons (Doc. 5) and Complaint for Declaratory Judgment (Doc. 8) through the Florida Secretary of State on May 16, 2023 in light of Buckeye’s failure to have its registered agent properly available for service of process. A copy of our letter to the Florida Secretary of State is attached for the Court’s reference. The Secretary has acknowledged receipt of the papers, although we await confirmation that service has been effected.

We also note that we served Buckeye directly by mail with the Notice of Initial Pretrial Conference. A copy of our letter is attached for the Court’s reference.

In light of the foregoing, we respectfully request the Court to adjourn the initial pretrial conference for sixty days. We believe this period should be sufficient for the Secretary to confirm service and/or for Buckeye to appear and pursue leave to answer. Should Buckeye fail to appear within

Hon. Lewis J. Liman, U.S.D.J.

June 23, 2023

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that time, we will be prepared to expeditiously file a motion for default judgment pursuant to the Court's Individual Practices in Civil Cases.

Pursuant to Rule 1.D of the Court's Individual Practices in Civil Cases, we note:

- (1) The initial pretrial conference is scheduled for June 30, 2023 at 2:00 p.m. Based on a service date of May 16, 2023, Buckeye's time to answer or appear was June 6, 2023.
- (2) There have been no previous requests for this extension.
- (3) Inapplicable – there have been no prior extension requests.
- (4) This request is not on consent as Buckeye has not appeared or contacted the undersigned regarding this action.
- (5) The next scheduled appearance is the June 30 initial pretrial conference.

We are available at the Court's convenience to provide any further information. Should the Court deny the request to adjourn the initial pretrial conference, we are prepared to appear notwithstanding Buckeye's failure to appear.

Respectfully submitted,

DELAHUNT LAW PLLC

Timothy E. Delahunt  
[tdelahunt@delahuntpllc.com](mailto:tdelahunt@delahuntpllc.com)



May 16, 2023

**BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

**ATTENTION: SERVICE OF PROCESS**

Re: Mt. Hawley Ins. Co. v. Buckeye Real Estate Investments LLC  
(U.S. Dist. Ct. S.D.N.Y., Civ. Case No. 1:23-cv-02342-LJL)

Our File: 512603

Dear Sirs/Madams:

This firm is counsel for plaintiff Mt. Hawley Insurance Company. Defendant Buckeye Real Estate Investments LLC ("Buckeye") is an active Florida limited liability company. Buckeye's registered agent on file with the Secretary of State is Nancy J. Dhonau at 21759 State Road 7, Boca Raton, Florida 33428. We attempted service on registered agent Nancy J. Dhonau at that address on March 31, 2023 and April 11, 2023. However, the registered agent was not on site on either occasion. An affidavit with respect to these attempts is enclosed. Nancy J. Dhonau is also listed as an authorized person on Buckeye's most recent annual report. However, after due diligence, we have not been able to locate another address for Nancy J. Dhonau other than the post office boxes on file with the Secretary.

Accordingly, pursuant to F.S.A. section 48.062(4)(b), we are serving the enclosed Summons and Complaint in the above-referenced action on the Secretary of State.

Respectfully submitted,

DELAHUNT LAW PLLC

  
Timothy E. Delahunt  
[tdelahunt@delahuntpllc.com](mailto:tdelahunt@delahuntpllc.com)

TED:jlj; enclosures



June 6, 2023

**BY FIRST-CLASS MAIL**

Buckeye Real Estate Investments LLC  
21759 State Road 7  
Boca Raton, Florida 33428

Re: Mt. Hawley Ins. Co. v. Buckeye Real Estate Investments LLC  
(Civ. Case No. 1:23-cv-02342-LJL)

Our File: 512603

Dear Sirs/Madams:

This firm is counsel for plaintiff Mt. Hawley Insurance Company. Enclosed, please find service of the June 1, 2023 Notice of Initial Pretrial Conference in this action.

Very truly yours,

DELAHUNT LAW PLLC

A handwritten signature in black ink that reads "Timothy Delahunt 18".

Timothy E. Delahunt  
[tdelahunt@delahuntpllc.com](mailto:tdelahunt@delahuntpllc.com)

TED:jlj  
Enclosure